

FILED

FEB 10 2010

**SECRETARY, BOARD OF
OIL, GAS & MINING**

**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

IN THE MATTER OF THE REQUEST FOR :
AGENCY ACTION OF ENERPLUS :
RESOURCES (USA) CORPORATION FOR AN :
ORDER TO FORCE POOL THE INTERESTS OF :
ALL OWNERS REFUSING OR FAILING TO :
AGREE TO LEASE THEIR INTEREST OR :
OTHERWISE BEAR THEIR PROPORTIONATE :
SHARE OF THE COSTS OF DRILLING AND :
PRODUCTION OPERATIONS OF THE LIVSEY :
25-15 WELL DRILLED IN SECTION 25, :
TOWNSHIP 2 SOUTH, RANGE 1 WEST, :
USM, UTAH COUNTY, UTAH. :
:
:

**ENERPLUS RESOURCES
(USA) CORPORATION'S
EX PARTE MOTION TO
SERVE NOTICE BY
CERTIFIED MAIL AND
PUBLICATION**

Docket No.: 2010-013

Cause No.: 131-128

Enerplus Resources (USA) Corporation ("Petitioner"), by and through its undersigned attorneys, hereby respectfully moves the Board of Oil, Gas and Mining (the "Board") to enter an order providing for service of the Request for Agency Action in this matter on the persons set forth on Exhibits "A" and "B" attached to the Affidavit of Jeff Shroeder filed herewith (said persons being all royalty, overriding royalty, record title, working interest and mineral interest owners of record (the "Owners") in the real property described in Petitioner's Request for Agency Action), by certified mail, return receipt requested and as to any persons who no longer reside at the addresses listed in Exhibit "A" or who Petitioner has, by reasonable diligence, been unable to ascertain an address for, and all other persons claiming any right, title or interest in or to the oil and gas produced from the reservoirs beneath the real property described in Petitioner's Request for Agency Action, or to the right to drill into, produce from, or appropriate such

oil and gas, by publication of notice of the Board's March 24, 2010 hearing in this matter in newspapers of general circulation in Salt Lake City and County and Duchesne County, Utah, in accordance with Rule 4(d)(2) and (4) of the Utah Rules of Civil Procedure and Rules R641-106-100 and R641-106-200 of the Utah Administrative Code. Petitioner's motion is based on the Affidavit of Jeff Shroeder filed in support herewith. A proposed form of order is filed concurrently herewith.

Dated this 10th day of February, 2010.

HOLME ROBERTS & OWEN

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